

EXHIBIT C

1 you know, where did you work, you know, and then, you
2 know, why didn't you work why did you quit there, and
3 that sort of thing.

4 Q. What is your impression of his experience?

5 A. He told me that he worked, I think for -- it's
6 hard for me to remember. Experience, you know,
7 well -- until -- the reason I take them on a driving
8 test is because what people tell me rarely backs up
9 what they actually do. I get a lot of people that
10 tell me they can drive any truck -- they drove, can
11 operate any piece of equipment. And they will come to
12 me and say, I've operated all sorts of equipment; I
13 can drive all sorts of machinery; I did this for so
14 and so. They'll give names. Rarely does it pan out
15 that they actually can back up what they say they can
16 do. So that's why I take them on driving tests. We
17 take operators out. We take them out in the field and
18 put them on a piece of equipment, that sort of thing.

19 Q. Before you took him for a road test, did he
20 describe his experience as a truck driver?

21 A. I can't remember exactly, but we probably
22 chatted about that, you know.

23 Q. Did you derive an impression of his experience
24 before you -- did you derive any feeling for his



1 he couldn't figure out the gear pattern. And he
2 ground a lot of gears and that sort of thing.

3 Q. What kind of truck was it he was driving?

4 A. It would have been either -- at the time, we
5 had Max -- we still have Max -- Max and Fords. It's a
6 dump truck tri-axle is what he would have taken his
7 road test on. It would have been either a five-speed
8 or an eight-speed. Usually three loads --

9 Q. After he completed the road test, did you tell
10 him he failed the road test?

11 A. No. I generally don't tell people they fail.
12 I tell them: I will discuss it with Jeff and Richard
13 and make a decision, get back to you.

14 Q. Other than the trouble with the shifting of the
15 truck, did he drive it appropriately once the truck
16 was moving?

17 A. Well, if you can't shift, the truck doesn't
18 drive appropriately, so I --

19 Q. Once you get it up -- I am showing my
20 limitation.

21 A. Okay.

22 Q. If you have a four-speed transmission, once you
23 get it up to fourth gear, and you are driving it down
24 the road at 50 miles an hour, it's not a matter of



1 shifting; it's a matter of how well you can handle the
2 vehicle.

3 A. Correct, if you are driving a tractor-trailer.
4 But when you are driving a dump truck, making
5 deliveries of the nature that we do, a lot of stopping
6 and starting. You are putting a heaving load on --
7 sometimes when you start out, you are empty. You put
8 23 tons in. So then you are always shifting. Pretty
9 much, I'd say, the average dump truck driver, you
10 know, spends 75 percent of his time shifting. The
11 average tractor-trailer driver, maybe five percent.
12 Once he gets on speed and he gets on his 95 or
13 something of that nature, they're not shifting much.
14 So the dump truck because of the load in the back and
15 the way it shifts, you have to downshift, control it.
16 You can't just put your feet on the brakes and stop.
17 You have to downshift, use your Jake brake. There is
18 a whole different, different way of driving a dump
19 truck than driving another truck.

20 Q. That does not answer my question. My question
21 was: During the road test, once he got on the road,
22 was he able to handle the truck appropriately?

23 A. He was able to steer it adequately, yes.

24 Q. Did he have trouble shifting when he first



1 left -- he gets in the truck, starts the engine, and
2 to get the truck moving and out onto route, I think
3 you said 141?

4 A. Yeah.

5 Q. Did he have trouble from the time he got in the
6 truck to getting the vehicle out onto 141?

7 A. He didn't experience trouble until he got onto
8 141.

9 Q. So had he no trouble getting out onto the road?

10 A. Yeah, because he didn't shift. He started it
11 up probably, if I remember, usually in 2nd gear when
12 it's empty. And you don't have to shift usually until
13 you get up onto the higher speed. The road leading
14 out is like a 25-mile-an-hour speed limit. So you
15 would start out in 2nd. You wouldn't start shifting
16 until you get on 141.

17 Q. How many gears does this truck go up to?

18 A. They're usually 13/10 or 13 -- each have a high
19 low. We have, you know, two different kinds of
20 patterns. Some of them have four gears with the
21 high/low, some of them have five with the high/low. A
22 lot of have them have three lows.

23 Q. So he was in 2nd gear from the time he started
24 the engine up, leaving the parking lot, getting onto



1 A. Correct.

2 Q. Then you took him out for the road test?

3 A. Correct.

4 Q. He came back. You told him you would get in
5 touch with him?

6 A. I would let him know something, yes.

7 Q. Did you do anything else to test him at all?

8 A. No. He was -- he wanted to drive a dump truck.
9 That's what he came to work for. So that's ...

10 Q. Let me ask you a very simple question. Did you
11 have any trouble understanding him?

12 A. He had a very soft voice. He told me he had
13 had some type of operation and he did not have his --
14 I don't know what you call it. What do you call that
15 thing? The voice box.

16 Q. That was not my question.

17 A. Okay.

18 Q. My question was: Did you have any trouble
19 understanding him?

20 A. I really didn't have any trouble, not when we
21 were riding in the truck, no.

22 Q. Did you at any time test him on the use of his
23 CB or cell phone to see if he could communicate with
24 those two instruments?



1 MR. DONELSON: I just have a couple
2 follow-up questions.

3 BY MR. DONELSON:

4 Q. I understand that you met with Mr. Burris on
5 one particular day. Did you ever meet with him after
6 that initial interview?

7 A. No, I did not.

8 Q. Did you ever speak with him after that initial
9 interview?

10 A. No, I did not.

11 Q. At any time during the initial interview or
12 afterwards, did Mr. Burris try and reach you through
13 cell phone or CB radio?

14 A. You mean while we were riding the truck
15 together?

16 Q. No, no. After the road test, after the initial
17 interview.

18 A. I did not speak to him on a radio after that.
19 I don't know whether he tried to or not. I did not
20 speak with him on a radio or cell phone after that.

21 Q. Of the approximately 75 interviews that you do
22 a year for truck drivers, do you always go back to
23 Jeff or Richard to say, hey, hire this guy or fire
24 this guy?

